

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOEL BEHNKEN,	:	Case No. 3:18-cv-406
	:	
Plaintiff,	:	District Judge Walter H. Rice
	:	Magistrate Judge Sharon L. Ovington
vs.	:	
	:	
COMMISSIONER OF THE SOCIAL	:	
SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	

DECISION AND ENTRY

This case is before the Court on the parties' Joint Stipulation and Assignment for an Award of Attorney Fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Doc. #15). Specifically, the parties stipulate and petition this Court to enter an order awarding attorney fees in the total amount of \$4,300.00 (four thousand three hundred dollars and zero cents) under the EAJA. The award of attorney fees will fully satisfy any and all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412, that may be payable in this case.

Any fees paid belong to Plaintiff and can be offset to satisfy pre-existing debt that Plaintiff owes the United States under *Astrue v. Ratliff*, 560 U.S. 586 (2010).

After the Court enters this award, if counsel for the parties can verify that Plaintiff owes no pre-existing debt subject to offset, Defendant will direct that the award be made payable to Plaintiff's attorney pursuant to the attorney's fee assignment

duly signed by Plaintiff and counsel. Defendant will direct the Treasury Department to mail any check in this matter to the business address of Plaintiff's counsel.

IT IS THEREFORE ORDERED THAT:

1. The Parties' Joint Stipulation and Assignment for an Award of Attorney Fees under the Equal Access to Justice Act (Doc. #15) is accepted and Defendant shall pay Plaintiff's attorney fees, costs, and expenses in the total amount of \$4,300.00;
2. Counsel for the parties shall verify, **within thirty days of this Decision and Entry**, whether or not Plaintiff owes a pre-existing debt to the United States subject to offset. If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff and counsel; and
3. The case remains terminated on the docket of this Court.

IT IS SO ORDERED.

05/19/2020

/s/ Walter H. Rice (tp - per Judge Rice authorization after his review)
Walter H. Rice
United States District Judge